

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

ANTHONY SMITH and
FLYING A.J.'S TOWING COMPANY,
(a Wisconsin limited liability company)

Plaintiffs,

ORDER
Case No.: 10-CV-62

v.

JOHN WILSON (in his official capacity as
Police Chief and in his individual capacity),

and

TOWN OF BELOIT, WISCONSIN
(a municipal corporation)

Defendants.

**COURT'S RULINGS ON OBJECTIONS TO DEPOSITION
TESTIMONY OF THE HONORABLE KENNETH FORBECK**

Defendants' Designations	Plaintiffs' Designations	Objections	Court's Ruling
Introduction, Page 1 – 4			
Background, Page 5 – 8		Page 5 lines 22-25; Page 6 lines 1-5	Sustained; page 5 lines 22-25 and page 6 lines 1- 5 excluded.
Page 9 lines 1 – 25		Page 9 line 14-24	Overruled; admitted not for the truth of the matter asserted.
Page 10 lines 1 – 25		Page 10 line 25	Sustained; Page 10 line 25 excluded.
Page 11 lines 1 – 25		Page 11 line 1-10	Sustained; Page 11 lines 1-9 excluded.
Page 12 lines 1 – 16			
		Page 12 lines 21 - 25; Page 13 lines 1 – 11	n/a (neither party has designated the testimony subject to the objection)
Page 14 lines 19 – 25			
Page 15 lines 1 – 5			
	Page 15 lines 6-25		

	Page 16 line 1-6		
Page 16 lines 7 – 25			
Page 17 lines 1 – 25			
Page 18 lines 1 – 4			
Page 19 lines 1 – 25		Page 19 lines 1-25	Sustained; Page 19 lines 1-25 excluded.
Page 20 lines 1 – 13		Page 20 lines 1-13	Sustained; Page 20 lines 1-13 excluded.
		Page 20 line 18	n/a
Page 21 lines 7 – 25		Page 21 lines 7-25	Overruled
Page 22 lines 1 – 25		Page 22 lines 1-10	Overruled
Page 23 lines 1 – 25		Page 23 lines 16-25	Overruled
Page 24 lines 1 – 25		Page 24 line 1-25; (defendants withdrew their objection at Page 24 line 2)	Overruled
Page 25 lines 1 – 25		Page 25 lines 1-24	Overruled
Page 26 lines 1 – 6			
	Page 26 lines 7-24	Page 26 line 25; Page 27 lines 1 – 2	Overruled
	Page 27 lines 3-4		
Page 28 lines 17 – 24		Page 28 lines 17-24; (defendants withdrew their objection at Page 28 line 25)	Sustained; calls for a legal conclusion. Page 28 lines 17-24 excluded.
Page 29 lines 8 – 21		Page 29 lines 8-21	Sustained; calls for a legal conclusion. Page 29 lines 8-21 excluded.
		Page 30 lines 2, 12	n/a
		Page 31 line 21	n/a
		Page 32 lines 1 - 2	n/a
Page 37 lines 10 – 25		Page 37 lines 10-25	Overruled
Page 38 lines 1 – 25		Page 38 lines 1-25	Overruled
Page 39 lines 1 – 10		Page 39 lines 1-10	Overruled
		Page 39 line 15	n/a
		Page 40	n/a
		Page 41	n/a
		Page 42	n/a
		Page 43 lines 12 – 15	n/a
		Page 45 lines 9, 12	n/a
	Page 50 lines 9-12		
Page 50 lines 17 – 25		Page 50 lines 17-25	Overruled
Page 51 lines 1 – 25		Page 51 lines 1-25	Overruled
Page 52 lines 22 – 24		Page 52 lines 22-24	Overruled
Page 53 lines 5 – 20		Page 53 lines 5-20	Overruled; except Page 53 lines 18-20 excluded.

Page 54 lines 16 – 22		Page 54 lines 16-22	Overruled
	Page 54 lines 23-25		
	Page 55 lines 1-25	Page 56 lines 1 – 4	Overruled
	Page 56 lines 8-19		
		Page 57 lines 18 - 24	n/a
		Page 58 lines 21 – 23	n/a
	Page 59 lines 5-21		
		Page 60 line 8	n/a
	Page 62 lines 1-25	Page 62 lines 4 – 7	Overruled
	Page 63 lines 1-8		

Entered this 21st day of April, 2011.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge